

मा. सर्वोच्च न्यायालयाच्या आदेशानुसार  
कुत्र्यामुळे निर्माण होणाऱ्या वाढत्या  
समस्यांकरीता नागरी स्थानिक स्वराज्य  
संस्थांची देखरेख समिती स्थापन करण्याबाबत.

महाराष्ट्र शासन  
नगर विकास विभाग  
शासन निर्णय क्रमांक:- याचिका-२०१६/प्र.क्र. २७५/नवि-२०  
मंत्रालय, मुंबई- ४०० ०३२  
दिनांक:- ११ नोव्हेंबर, २०१६.

वाचा :- शासन निर्णय, नगर विकास विभाग क्र. याचिका-२०१६/प्र.क्र. २७५/नवि-२०, दि. ११.०८.२०१६

#### प्रस्तावना

मा. सर्वोच्च न्यायालय, नवी दिल्ली येथे याचिका क्र. ६९१/२००९ Animal welfare board of India V/s. People for Elimination of Stray Troubles and others दाखल करण्यात आली आहे. सदर याचिकेत अॅनिमल वेल्फेअर बोर्ड ऑफ इंडिया, केंद्र शासन यांनी सादर केलेल्या शपथ पत्रानुसार कुत्र्यांची वाढती संख्या मर्यादीत ठेवण्यासाठी, रेबीज निर्मुलनासाठी आणि मनुष्य-कुत्रा संघर्ष टाळण्यासाठी शासन निर्णय, नगर विकास विभाग, दि. ११.०८.२०१६ राज्यस्तरीय देखरेख समिती स्थापन करण्यात आली आहे. सदर प्रकरणी मा. न्यायालयाने दि. ०४.१०.२०१६ रोजी दिलेल्या आदेशाच्या अनुषंगाने सर्व नागरी स्थानिक स्वराज्य संस्थांना निदेश देण्याची बाब शासनाच्या विचाराधीन होती.

#### शासन परिपत्रक:-

मा. सर्वोच्च न्यायालय, नवी दिल्ली येथे याचिका क्र. ६९१/२००९ Animal welfare board of India V/s. People for Elimination of Stray Troubles and others मध्ये मा. न्यायालयाने दि. ०४.१०.२०१६ रोजी स्थानिक स्वराज्य संस्थांनी करावयाच्या कार्यवाहीबाबत खालीलप्रमाणे आदेश दिले आहेत:-

1.	The said authorities should indicate in the report as to how many deaths have occurred due to dog bites and what steps have been taken. Additionally, it is suggested by him that the report must also indicate the number of sterilization that have taken place and the resources available on the said front. We direct all the authorities to include the same as a part of the same in the report.
2.	<b>STEP III: Establishment of Animal Birth Control Monitoring Committees</b> The establishment of Animal Birth Control Monitoring Committees at local authority levels in accordance with Animal Birth Control (Dogs) Rules is indispensable for the success of the Animal Birth Control program. The constitution of the Monitoring Committee is provided for in Rule 4 of the Rules, and the functions that it is required to perform are provided for in Rule 5. Additionally, to implement the Rules in letter and spirit it is also necessary that the Monitoring Committees do the following: i) Arrive at an estimate of the number of dogs within its territorial limits by conducting a census in the manner advised by the AWBI.

	<p>ii) Ensure development of the infrastructure 14 required to execute the ABC program for the estimated number of dogs. In order to do this, detailed project reports shall have to be prepared and submitted to the State Monitoring and Implementation Committee and coordination established with the state government through the said Committee. The infrastructure shall be designed to conduct area-wise ABC, and in a phased way ensure that at least 70% dogs in the targeted area are sterilized and vaccinated against rabies before a new area is taken up. The infrastructure shall include, but not be limited to pre-operation preparation areas, Operation Theaters, post-op care, kennels, kitchen, store rooms for rations and medicines, parking area, residential rooms for veterinarians and attendants, quarantine wards, ambulances, etc.</p>
3.	<p><b>STEP IV: Identification of ABC Implementing Agencies</b></p> <p>The practice of tendering, i.e. inviting bids from interested ABC 'contractors', and awarding ABC 'contracts' to the lowest bidder being followed by many local authorities, has more often than not led to violations of the Rules and the Act. For instance, the lowest bidder may not be an organisation recognised by the AWBI, which is a mandatory requirement under the Animal Birth Control (Dogs) Rules. Furthermore, it has been widely observed that many competitive lowest bidders disregard best practices necessary to ensure the welfare of animals in their care, and fail to adhere to other essential requirements under the Rules in order to find profit margins within the lowest price. This in turn leads to significant pain and suffering being caused to the animals, and the success of the program being adversely impacted and jeopardized.</p> <p>This module prescribes that the rate of sterilization per dog shall be fixed and reviewed annually by the Central Coordination Committee, thereby ensuring uniformity. Once this is done, an expression of interest may be sought with technical bid as sole criterion for selection of ABC Implementing Agencies for execution of the animal birth control program. Needless to state, the agency short-listed for implementation, must be thoroughly trained and recognized by the AWBI. The local authorities, whilst calling for an expression of interest, will ensure that the ABC Implementing Agencies entrusted with execution of the animal birth control program have an adequate number of trained veterinarians, para-vets, catchers and drivers. The staff of the ABC Implementing Agency should have obtained training from an AWBI recognised training establishment. The ABC Implementing Agency must have been in existence for a minimum of 3 years. A Memorandum of Understanding shall be executed between the ABC Implementing Agency and either the local authority or the state government or both, as the State Monitoring and Implementation Committee decides.</p> <p><b>Responsibilities of the local authorities in collaboration with ABC Implementing Agencies:</b></p> <p>The ABC Implementing Agency shall be responsible for catching, transport, surgery, post-op care and release of the dogs. The local authority too may be involved in this process, but not without personnel deputed by the Implementing Agency to oversee the same, or participate in the concerned process. Additionally the ABC Implementing Agency shall devise a mechanism to deal</p>

	with complaints received regarding man-dog conflict in a scientific, rational and humane manner. Additional expenses incurred for this purpose shall also be reimbursed by the local authority.
4.	<p><b>STEP V: Monitoring and Evaluation The process of monitoring shall include the following key aspects:</b></p> <p>i) Keeping the estimated number of dogs as the baseline, the State Monitoring and Implementation Committee shall set targets for the required number dog sterilizations within specified periods, in each district comprised in the state. These targets shall be spelt out in the Memorandums of Understanding executed with the ABC Implementing Agencies. The State Monitoring and Implementation Committee shall then monitor the collaboration between local authorities and ABC Implementing Agencies to ensure that the targets are met, and any challenges to the same are smoothly overcome.</p> <p>ii) The targets specified shall be binding on the local authority and the ABC Implementing Agency. The Animal Birth Control Monitoring Committee of the local authority shall ensure timely release of funds, and oversee that adequate infrastructure is created by the local authority so that targets are met. The expenses incurred by the ABC Implementing Agencies must be reimbursed every fortnight.</p> <p>iii) The Animal Birth Control Monitoring Committee shall, through a team comprising of at least 3 (three) persons who may be its representatives or any other person/s authorized by it, conduct a weekly organ count of the operated dogs (ovaries and testes), and shall also scrutinize the records being maintained by the ABC Implementing Agency to assess compliance with the Animal Birth Control (Dogs) Rules, 2001, and adherence with provisions contained in this module.</p> <p>iv) The Animal Birth Control Monitoring Committee shall meet at least once every month, to evaluate progress of the ABC program, and assess its impact. Impediments to the smooth conduct of the ABC program shall be discussed, and steps taken to remove the same.</p> <p>To assess the impact of the ABC program in each targeted area, the Animal Birth Control Monitoring Committee may either undertake such assessment by itself, or through an independent agency. The following parameters shall be the guiding factors to assess impact :</p> <p>i. Lesser number of pups seen than previous years,  ii. Reduction in number of lactating females seen,  iii. Decrease in number of complaint calls,  iv. Decrease in number of dog bites cases reported,  v. Decrease in incidence of rabies.</p>

२. मा. सर्वोच्च न्यायालयाने सदर प्रकरणी दि. ०४.१०.२०१६ रोजी दिलेल्या आदेशाचे सर्व नागरी स्थानिक स्वराज्य संस्थांनी काटेकोरपणे पालन करावे. सदर आदेशात नमूद केल्यानुसार प्रत्येक नागरी स्थानिक स्वराज्य संस्थांनी Animal Birth Control Monitoring Committee स्थापन

करून त्याबाबतचा व सदर समित्यांनी केलेल्या कार्यवाहीबाबतचा अहवाल आयुक्त तथा संचालक, नगरपरिषद प्रशासन संचालनालय यांना तात्काळ सादर करावा.

३. आयुक्त तथा संचालक, नगरपरिषद प्रशासन संचालनालय यांनी उपरोक्त अहवाल राज्यस्तरीय देखरेख समिती पुढे सादर करावा.

४. सदर शासन निर्णय महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संगणक संकेतांक २०१६१११११७४३०६८३२५ असा आहे. हा निर्णय डिजीटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

( ज. ना. पाटील )

सह सचिव, महाराष्ट्र शासन

प्रत,

- १) मा. विरोधी पक्षनेते, दोन्ही सभागृह, महाराष्ट्र विधानमंडळ, मुंबई
- २) सर्व सन्माननीय विधानसभा/ विधानपरिषद व संसद सदस्य
- ३) मा. राज्यपाल महोदय यांचे सचिव
- ४) मा. मुख्यमंत्री महोदय यांचे प्रधान सचिव / सचिव
- ५) सर्व मा. मंत्री / राज्यमंत्री यांचे खाजगी सचिव
- ६) सचिव, ऑनिमल वेल्फेअर बोर्ड ऑफ इंडिया, चेन्नई (पत्राने)
- ७) प्रधान सचिव (पशुसंवर्धन), कृषी, पशुसंवर्धन, दुग्धव्यवसाय विकास व मत्स्यव्यवसाय विभाग, मंत्रालय, मुंबई
- ८) प्रधान सचिव (ग्राम विकास), ग्राम विकास व जलसंधारण विभाग, बांधकाम भवन, फोर्ट, मुंबई
- ९) आयुक्त, महानगरपालिका (सर्व)
- १०) आयुक्त तथा संचालक, नगरपरिषद प्रशासन संचालनालय, वरली, मुंबई
- ११) मुख्याधिकारी, नगरपरिषद/ नगरपंचायत (सर्व)
- १२) उप संचालक, पशुसंवर्धन विभाग
- १३) मा. मुख्य सचिव यांचे वरिष्ठ स्वीय सहाय्यक
- १४) मा. लोकआयुक्त व उपलोकआयुक्त यांचे कार्यालय
- १५) मा. मुख्य सचिव यांचे उपसचिव
- १६) निवडनस्ती